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SUBJECT: EU-Ukraine: CONDITIONING ENHANCED TIES ON ELECTIONS

Classified By: USEU POLOFF LEE LITZENBERGER; REASONS 1.5 (B,D)

¶11. (C) Summary. After a delay due to internal EU friction, the EU hopes to complete negotiation on an "Action Plan" for Ukraine in time for the July EU-Ukraine summit. The plan will list political and economic reforms that Ukraine will undertake, in return for reciprocal EU steps to bring Ukraine closer to Europe. The EU has placed one overarching condition on implementing the plan once it is agreed: that Ukraine's presidential elections must pass the smell test, and media freedom must be respected. If Ukraine meets this test, the EU is prepared to offer enhanced cooperation of security issues, more and better assistance, and the possibility for an enhanced relationship that would bring Ukraine one step closer to potential EU membership. End Summary.

¶12. (C) According to the EU Council Secretariat's Senior Ukraine analyst, there were "no surprises" at the May 18 EU-Ukraine Cooperation Council meeting in Brussels. Our contact, Sofia Moreira de Sousa (protect), said the main topic of discussion was the EU's new "European Neighborhood Policy," which envisages joint development of an "Action Plan" to bring Ukraine closer to the EU. The EU also pressed Ukraine to increase its border control cooperation with Moldova. The Ukrainian delegation was led by Prime Minister Yanukovych; the EU side was chaired by Irish FM Cowen.

Internal EU friction puts Action Plans on hold

¶13. (C) At the May 18 meeting, Ukraine received (at its request) a briefing on the EU's recently-approved Neighborhood Policy, the elaboration of which had put on hold earlier negotiations on a joint Action Plan for moving Ukraine closer to EU norms. The European Commission had begun "Action Plan" negotiations earlier this year with both Ukraine and Moldova, conducting three rounds of talks and providing an initial draft to both countries but not, importantly, to EU member states. Ukraine and Moldova each began to approach member states, lobbying for changes in the Commission's draft. This prompted member states, some of whom were surprised to learn the details of the Commission's proposals from Ukraine and Moldova, to put both sets of negotiation on hold, pending elaboration by member states of an agreed "strategy" for negotiating the plans. The new strategy, adopted in April, emphasizes the importance the EU will place on democracy, human rights, and political reform, as well as trade liberalization, in the Action Plans. It also provides for the EU Presidency and Council Secretariat (representing member states) to participate in the negotiations.

Putting the Action Plan back on track

¶14. (C) With an agreed strategy now in place, the EU now wants to move ahead with the Action Plan for Ukraine. Many EU member states are pushing to wrap up negotiations on the plans for both Ukraine and Moldova in time for the upcoming EU-Ukraine summit in July. The Netherlands, who will be in the Presidency then, are among the states pushing to complete the Action Plan by then. This doesn't leave much time -- to meet the July deadline, as the Action Plan will need to be approved by EU Ministers at their June 14-15 meeting. The EU plans to hold its next round of negotiations on the Action Plan during the first week in June. Getting broad agreement on the plan by the summit in July would allow formal adoption of the Action Plan in September -- before Ukraine's presidential elections in October.

EU to offer incentives

¶17. (C) According to Moreira, the Action Plan will list a series of steps the EU expects Ukraine to take, coupled with steps the EU would take to integrate Ukraine more closely with the EU. There will not be any explicit linkages or quid pro quo in the Action Plan, nor will Ukraine be allowed to "cherry pick" the steps it takes, or the EU response. However, the menu of incentives the EU can offer include:

-- Closer ESDP (security) cooperation, including EU use of Ukraine airlift capability (a key objective for Ukraine), training for Ukrainian police deployed in Macedonia, and "crisis-management" coordination;

-- Technical assistance in counter-terrorism and trafficking of persons;
-- Increased, or targeted assistance for Ukraine
-- Exchange of experts to facilitate harmonization of legislation;
-- Border security assistance; Ukraine wants EU help in developing software to enhance data protection.
What Ukraine wants: A deal on Airlift

16. (C) Ukraine is interested in all of the above, Moreira said. In particular, it hopes to nail down an agreement for providing airlift capacity for EU military deployments. This is something Moreira said the EU can deliver -- providing Ukraine earns it. The EU is also holding out the possibility that, if Action Plan implementation proceeds smoothly, it can offer a yet-to-be elaborated "Enhanced Neighborhood Agreement" that would involve closer ties than the current "Association Agreement" but still be a step short of candidacy for EU membership. One element of such an enhanced relationship could be some kind of facilitated visa arrangement with Ukraine.

EU focus: Elections and Media Freedom are Fundamental

17. (C) All of the above incentives, though, are dependent on Ukraine holding free and fair elections and respecting media freedom, Moreira said. She claimed the EU has consistently sent the message that performance on these issues is the sine qua non for moving ahead with any elements of an action plan. This was the message delivered at the April 29 ministerial with Ukraine, and it was reiterated May 18, both publicly and privately. Moreira said these issues are key; the EU cannot "lose face" on this. Member states will not move ahead with implementation of the Action Plan in the face of blatant manipulation of the media and press.

Comment

18. (C) The EU's decision -- at least in its own mind -- to condition implementation of the Action Plan on how the upcoming elections are handled reflects the uncommon but welcome introduction of some hard-nosed skepticism in EU policy. This will make it easier for us to coordinate our approach to Kiev in the run up to the elections. Given the GOU's blatant manipulation of the recent mayoral election in Mukacheve, though, it is not clear that the EU's message has registered fully in Kiev.

SCHNABEL